

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ELOISA J. CARILLO,

Plaintiff,

v.

No. CV 09–0358 LAM

**MICHAEL J. ASTRUE,
Commissioner of Social Security
Administration,**

Defendant.

**ORDER GRANTING DEFENDANT'S
UNOPPOSED MOTION TO REMAND PURSUANT TO SENTENCE FOUR**

THIS MATTER is before the Court on *Defendant's Unopposed Motion to Remand for Further Administrative Proceedings* (Doc. 28). Upon review of the file, the Court finds that the motion is well-taken and should be **GRANTED** and that:

1. Judgment should be entered reversing the decision of the Defendant and remanding this case to the Defendant for further administrative action pursuant to sentence four (4) of § 205(g) of the Social Security Act, 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991) (distinguishing sentence-four and sentence-six remands).

2. Upon remand, the Appeals Council will return the case to an administrative law judge who will: (a) hold a new hearing; (b) consider all of the evidence, including new evidence that Plaintiff submitted with her brief (which tends to show, among other things, that Plaintiff's adiposis dolorosa condition was severe for at least twelve months); and (c) issue a new decision based on all of the evidence in the record.

IT IS SO ORDERED.


THE HONORABLE LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE

SUBMITTED AND APPROVED BY (*Prior to modification by the Court*):

Electronically submitted 2/17/10

MANUEL LUCERO

Assistant United States Attorney

Attorney for Defendant

Approved telephonically 2/17/10

FRANCESCA J. MACDOWELL

Attorney for Plaintiff